

REMARKS

This Reply is in response to the Office Action regarding restriction mailed on August 28, 2006 (Office Action).

In the Office Action, the Examiner set forth the following restriction requirement requiring election of one of the below identified groups:

- I. Claims 1-60, drawn to an **apparatus** (generator, armament, and medical device), classified in class 376 (subclass 100), class 102 (subclass 200+), and class 606 (subclass 128), respectively.
- II. Claims 60-75, drawn to a **process** (producing energetic bursts), classified in class 376, subclass 149.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus can be used to practice another and materially different process such as for joule heating or for light production.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

If Group I is elected, the Examiner additionally requires election of one of the below identified species:

3. If invention I is elected, Applicant is required under 35 U.S.C. 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears generic for Group I; claim 61 is generic to Group II.

- A: Wherein the apparatus is a burst generator with a liquid under tension state (e.g. see claim 1).
- B: Wherein the apparatus is a burst generator with a liquid under deep metastable state (e.g., see claim 23).
- C: Wherein the apparatus is an armament (e.g., see claim 25).
- D: Wherein the apparatus is a medical device (e.g., see claim 38).
- E: Wherein the apparatus is a pulse generator (e.g., see claim 51).

4. If either species A or E is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of the structure for placing a liquid under tension, for purposes of examination. For example, applicant may elect acoustic wave source alone or piezoelectric source alone (e.g., see claims 2, 3, 6, 7, and also claims 52 and 53). This additional requirement is to facilitate examining due to the broad range of sources disclosed as suitable.

5. If either species A or E is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of the structure for cavitating. For example, applicant may elect fundamental particles alone or laser source alone (e.g., see claims 10, 11, 12 and 13, and also claims 54 and 55). This additional requirement is to facilitate examining due to the broad range of structures disclosed as suitable.

6. If either species A or E is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of liquid from among the Markush group of liquids disclosed, for purposes of examination. For example, applicant may elect water alone (e.g., see claims 14 and 57 for species A and E) or urine alone (e.g., see claim 15 for species A). This additional requirement is to facilitate examining due to the diverse liquids disclosed as suitable.
7. If species C is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of the element controlled by the structure for controlling thrust, for purposes of examination. For example, applicant may elect level of tension state alone (e.g., see claim 29) or energy released by structure for cavitating alone (e.g., see claim 30). This additional requirement is to facilitate examining due to the diverse sources disclosed as suitable.
8. If species C is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of the structure for cavitating, e.g., neutron source alone. This additional requirement is to facilitate examining due to the diverse structures disclosed as suitable (e.g., see claims 31 and 32).
9. If species C is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of liquid from among the Markush group of liquids disclosed, for purposes of examination. For example, applicant may elect water alone or mercury alone. This additional requirement is to facilitate examining due to the diverse liquids disclosed as suitable (e.g., see claim 33).

10. If species D is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of the structure for initiating cavitation. For example, applicant may elect an acoustical source (e.g., see claim 43) or fundamental particles alone (e.g., see claim 44) or laser alone (e.g., see claim 50). This additional requirement is to facilitate examining due to the broad range of structures disclosed as suitable.

11. If species D and fundamental particles are elected, Applicant is required under 35 U.S.C. 121 to elect a single species of particles from among the Markush group of particles disclosed, for purposes of examination. For example, applicant may elect alpha emitters alone or neutron sources alone. This additional requirement is to facilitate examining due to the diverse particles disclosed as suitable (e.g., see claim 44).

12. If species D is elected, Applicant is required under 35 U.S.C. 121 to elect a single species of bodily liquid from among the Markush group of liquids disclosed, for purposes of examination. For example, applicant may elect blood alone or mucus alone. This additional requirement is to facilitate examining due to the diverse liquids disclosed as suitable (e.g., see claim 47).

If Group II is elected, the Examiner additionally requires election of one of the below identified species:

13. If invention II is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of the structure for placing a liquid under tension, for purposes of examination. For example, applicant may elect acoustic wave source alone or centrifugal source alone (e.g., see claims 62 and 63). This additional requirement is to facilitate examining due to the broad range of sources disclosed as suitable.

14. If invention II is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of the structure for cavitating. For example, applicant may elect piezoelectric source alone or fundamental particles alone or laser source alone (e.g., see claims 66, 67 and 75). This additional requirement is to facilitate examining due to the broad range of structures disclosed as suitable.

15. If invention II is elected, applicant is further required under 35 U.S.C. 121 to elect a single species of liquid from among the Markush group of liquids disclosed, for purposes of examination. For example, applicant may elect water alone or mercury alone (e.g., see claim 69). This additional requirement is to facilitate examining due to the diverse liquids disclosed as suitable.

In this Reply, Applicant elects Group I apparatus claims (Claims 1-60) and have withdrawn Group II process claims (Claims 61-75), without prejudice. Applicant further elects Species A (claim 1), and the centrifugal source specie for the structure for placing a liquid under tension (claim 2). Applicant further selects fundamental particles recited in claim 10 for the structure for cavitating. Regarding the required liquid election, Applicant selects acetone recited in claim 14. The elections are made with traverse.

Based on the above election, Applicant requests removal of the restriction requirement and species election and substantive examination of claims 1-2, and 8-10, 14, and 16-22 which comprise the claims encompassing the elected invention. Applicant invites the Examiner to call the undersigned if it is believed that the above restriction election is incomplete or improper in any way, or if a telephonic interview will expedite the prosecution of the application to an allowance.

No fees are believed due with this request, however the Commissioner for Patents is hereby authorized to charge any deficiency in fees due with the filing of this document and during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

AKERMANN SENTERFITT

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Neil R. Jetter, Registration No. 46,803
AKERMANN SENTERFITT
P.O. Box 3188
West Palm Beach, FL 33402-3188
Tel: 561-653-5000

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